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January 26, 1996

Mr. Roger K. Patterson
Regional Director
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825-1898

Re: Summer Peck Judgment

Dear Mr. Patterson:

As you know, the judgment entered by the U.S. District Court in the Summer Peck Ranch case on March 14, 1995 contained inter alia the following mandatory injunction:

"... [T]he Secretary of the Interior, the United States Department of Interior, the United States Bureau of Reclamation, and each of them, and their officials and employees, shall, without delay, take such reasonable and necessary actions to promptly prepare, file, and pursue an application for a discharge permit for the San Luis Drain to comply with section 1(a) of the San Luis Act to provide drainage to the San Luis Unit."

There is no stay in effect relieving the government from its duty to obey the judgment.

The findings of fact on which the judgment was based found "no scientific justification" for the government's prior opinion about the selenium concentration of ground water from the San Luis Unit as a whole. The court further found no proof of "an actual risk" to fish or fowl in the Sacramento-San Joaquin Delta from any selenium levels in the drainage water. These and other factual findings are effectively immune from appellate review.

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